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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/28/1991

JO ANN M. CANICH

P-1733

7543

23455 7590 01/31/2007
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EXAMINER

RABAGO, ROBERTO

ART UNIT

PAPER NUMBER

1713

MAIL DATE

DELIVERY MODE

01/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	07/676,690	CANICH, JO ANN M.	
	Examiner	Art Unit	
	Roberto Rábago	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 15 November 2006 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☒ entered in part. See explanation below.

See attachment.



DAVID W. WU
ADVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Response to Submissions under 37 CFR 1.312

1. Response to the amendment filed 12/12/2006:

Cancellation of claim 44 is ENTERED.

Re-presented claims 34, 37, 38 and 40-43 are DENIED ENTRY. These claims will not be entered because: (a) claim 34 does not include the examiner's amendment approved by applicant in the Notice of Allowability mailed 9/31/2006; and (b) the text of claims 37, 38 and 40-43 makes no change to the prior version.

2. Response to the submission filed 11/15/2006:

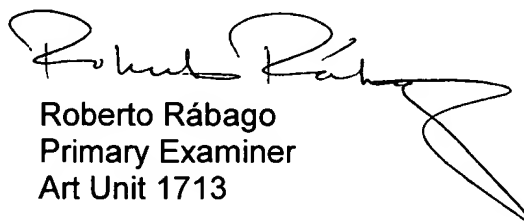
The patent over which the prior obviousness-type double patenting was made (US 5,026,798) includes only bridged metallocenes within the scope of the claimed process. In view of cancellation of instant claim 44, only unbridged metallocenes are within the scope of the claims of this application, and therefore claims 34, 37, 38 and 40-43 would be allowable over US 5,026,798 without a terminal disclaimer.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Roberto Rábago
Primary Examiner
Art Unit 1713

RR
December 11, 2006